

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America  
v.  
ZACHARY AARON JOHNSON

)  
)  
) Case No: 88-50070-10  
) USM No: 10507-039  
) David Koelzer  
) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 324 months **is reduced to** 262.

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 40 Amended Offense Level: 38  
Criminal History Category: II Criminal History Category: II  
Previous Guideline Range: 324 to 405 months Amended Guideline Range: 262 to 327 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 10/24/1989 shall remain in effect.

## IT IS SO ORDERED.

Order Date: May 13, 2008

s/Paul D. Borman  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Paul D. Borman, U.S. District Judge  
Printed name and title